

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOMER T. MCCRARY,

Plaintiff,

v.

CARLOS M. GUTIERREZ, et al.,

Defendants

No. C-06-4174 MMC

**ORDER DIRECTING CLERK TO
TRANSFER MATTER TO SAN JOSE
DIVISION**

In the instant action, plaintiff challenges the National Marine Fisheries Service's ("NMFS") denial of plaintiff's "petition to redefine the southern boundary of the California Central Coast Coho ESU." (See Amended Compl. ¶ 13.) The boundary at issue is the San Lorenzo River, located in Santa Cruz County.


By order filed June 23, 2006, the Honorable Morrison C. England, Jr., transferred the action from the Eastern District of California to the Northern District of California, for the reason the "balance of convenience weighs overwhelmingly in favor of adjudicating this matter in the Northern District." (See Order, filed June 23, 2006, at 2:15-17.) In support thereof, Judge England cited the fact that plaintiff resides in Santa Cruz County, that the boundary at issue is located in Santa Cruz County, that the land and timber interests alleged to be affected by the NMFS's decision are located in Santa Cruz County, and that the NMFS had developed its response to the petition in a facility located in Santa Cruz

1 County.

2 Because a "substantial part of the events or omissions which give rise to the claim"
3 occurred, and continue to occur, in Santa Cruz County, see Civil L.R. 3-2(c), and because
4 few, if any, events have occurred, or can be expected to occur, in any other county within
5 the Northern District, the Clerk is hereby directed to transfer the action to the San Jose
6 Division. See Civil L.R. 3-2(f).

7 **IT IS SO ORDERED.**

8
9 Dated: July 27, 2006


MAXINE M. CHESNEY
United States District Judge